

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

By this Amendment, claims 1-18 have been amended. No claims have been canceled, and no new matter has been added to the application. Accordingly, claims 1-26 are presently pending in the application, with claims 19-21 and 24-26 having been withdrawn from consideration as being drawn to a non-elected species.

In the prior Office Action, the Examiner rejected claims 1-18 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By this Amendment, claims 1-18 have been amended to clarify that the subject matter claimed is an accessory mounting device for a recliner, as the same is described in the specification. Reconsideration of the rejection of claims 1-18 is respectfully requested in light of the amendments made thereto.

Also in the prior Office Action, the Examiner rejected claims 1-18 and 22-23 under 35 U.S.C. §103(a) as being unpatentable over Sandoval et al., U.S. Pat. 4,266,765, in view of Robinson, U.S. Pat. 5,882,083. The Examiner contends that Sandoval et al. teaches a device that has a plurality of mounting locations for accessories, and which can be attached to a recliner. The Examiner contends that Robinson teaches a seating unit comprising a tray and a base. According to the Examiner, it would be obvious to one of ordinary skill to modify the device according to Sandoval et al. by substituting a recliner having a seating unit and tray as taught by Robinson, thereby arriving at the invention as presently claimed. Applicant respectfully submits that the Examiner has misread and misapplied the Sandoval et al. reference.

The device disclosed in the Sandoval et al. reference is an apparatus for aiding infirm patients to walk. It is a mobile apparatus to steady the patient as he/she walks and to support body servicing devices which are connected to the patient while walking (see col. 1, lines 6-12). The principle object of Sandoval is to

provide an ambulating aid for an infirm or convalescing patient, while reducing the need for human assistance by the patient while walking about (see col. 1, lines 43-46).

Similarly, in the description of the preferred embodiment (see col. 2, lines 45-50) Sandoval et al. refer to their invention as an ambulating aid apparatus. The device is only intended to carry body servicing equipment which may be attached to the patient. The device is stated to be extremely compact (col. 4, lines 9-11) and provides handle members to support or steady the patient and to enable him to readily maneuver the apparatus (col. 3, lines 4-10). The device is neither intended nor constructed to bear the full weight of a patient, or to transport a patient. There is no teaching to suggest that the device according to Sandoval et al. would be capable of bearing the weight of a patient's body and a chair, if a chair could in fact be attached to the Sandoval et al. device in a stacked or supported manner.

Instead, Sandoval et al. teach (see col. 4, lines 30-50) that their device has means for removably locking to an auxiliary carrier having a triangular tubular metal frame to permit a patient to maneuver both the device and the auxiliary carrier as a single unit. A U-hook and latch bolt provide the attachment means, as best shown in Figures 3 and 4. This attachment means would not be adequate for attaching the ambulatory device to a recliner chair. The resulting combined apparatus of ambulatory device and recliner chair connected in the linear manner taught by Sandoval et al. would be unstable and extremely awkward to maneuver. Attempts to steer the chair by pushing on the handles of the Sandoval et al. device would cause binding at the attachment means. The combined apparatus would be almost impossible to steer around corners or guide over a door threshold. The device would likely hit the walls of corridors etc., risking patient safety and causing structural damage to the walls.

In addition to the impracticality of maneuvering a combined apparatus comprising the Sandoval et al. ambulatory device with a recliner chair, there are functional incompatibilities caused by the combination. At col. 3, lines 34-41, Sandoval et al. teach that an oxygen tank holder 38 is attached to the panel 31 adjacent the post 16. The holder 38 is comprised of three vertically aligned rings. This structure and positioning of the oxygen tank holder are not compatible with a

health recliner chair. A health recliner must be capable of reclining sufficiently to place the patient into the trendelenberg position (i.e., feet above head) and still be mobile. The vertical oxygen tank holder taught by Sandoval et al. would prevent reclining of the chair, thus defeating a necessary function of a health recliner.

The push handles 26, 27 taught by Sandoval et al. are positioned for use by the patient to allow the patient to steady himself and maneuver the apparatus (col. 3, lines 4-40). The handles are positioned to extend rearwardly from the posts 15 and 16. A vertical panel is secured along its opposite edges to the posts 15 and 16, and medical devices can be attached to the panel and the posts. The posts 15, 16 and the panel 31 are connected to a platform 12 which defines the full perimeter of the device (as seen in Figs. 1, 2 and 3). The platform 12 is formed by a relatively heavy metal plate 13, on which is secured a floor piece 14 of wood or the like (see col. 2, lines 45-50). All of the mounting positions for medical devices are secured directly or indirectly to the platform. The platform defines the extent of the ambulatory device. The mounting positions are at fixed locations on either the platform itself, in the case of the oxygen tank holder, or on the posts 15, 16 or the panel 31.

There is no teaching in Sandoval et al. or in Robinson to suggest that the mounting positions taught by Sandoval et al. could be moved into positions adjacent the perimeters of a recliner. There is no teaching or suggestion of a base frame which is complementary with and removably attachable to a section of a recliner, as claimed in the present application, for a device for equipping a recliner with accessories, as claimed in claims 1 and 22 of the present application. In the present invention, the base frame includes plate portions which can be positioned for engaging the back, sides and bottom of the recliner. The base frame then has plurality of mounting locations for accessories such as push handles, tables, IV poles, oxygen tank holders, etc. The variety of mounting locations permits the attachment of accessories to the recliner at optimized positions for patient comfort and for functioning of the medical devices and accessories used in the care of the patient. For example, the oxygen tank holder can be mounted parallel to the floor adjacent the back perimeter of the chair to ensure that the chair can fully recline to place the patient into the trendelenberg position if needed. A hook for a Foley bag (i.e., a urine collecting device) can be mounted on the perimeter of the chair

corresponding to a position just below the patient's hip. This selective positioning results in optimal alignment of the Foley bag for drawing urine. By contrast, a Foley bag 47 can be connected to the Sandoval et al. device (see col. 3, lines 49-57 and Fig. 1), but the optimal alignment is not possible since the patient would push the Sandoval et al. device ahead of him/her. Alternatively, if the Sandoval et al. device were connected to a recliner, the Foley bag 47 would be following the seated patient, which is, again, out of alignment.

The present invention is neither taught nor suggested by either of the cited patents. A person of ordinary skill in the art could not combine the teachings of the two patents in order to arrive at the present claimed invention. Applicant respectfully submits that independent claims 1 and 22 are patentable over Sandoval et al. in view of Robinson, and that dependent claims 2-18 and 23 are likewise patentable over the applied references. Reconsideration of the rejection of such claims is respectfully requested.

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 18-0160, our Order No. EWD-14779.001.

Respectfully submitted,
RANKIN, HILL, PORTER & CLARK LLP

By /David E. Spaw/
David E. Spaw, Reg. No. 34732

4080 Erie Street
Willoughby, Ohio 44094-7836
(216) 566-9700